



MICHAEL P. JUDGE  
ACTING PUBLIC DEFENDER

## LAW OFFICES

### LOS ANGELES COUNTY PUBLIC DEFENDER

19-513 CLARA SHORTRIDGE FOLTZ CRIMINAL JUSTICE CENTER  
210 WEST TEMPLE ST, 19TH FLOOR  
LOS ANGELES, CALIFORNIA 90012  
(213) 974-2811  
TDD # (800) 801-5551

EXECUTIVE OFFICE

October 19, 2010

The Honorable Board of Supervisors  
County of Los Angeles  
383 Kenneth Hahn Hall of Administration  
500 West Temple Street  
Los Angeles, California 90012

Dear Supervisors:

**ACCEPT A GRANT AWARD FROM THE U.S. DEPARTMENT OF JUSTICE, OFFICE OF JUSTICE PROGRAMS FOR THE FORENSIC SCIENCE TRAINING DEVELOPMENT AND DELIVERY PROGRAM FOR FISCAL YEARS 2010-11 AND 2011-12 AND APPROVE AN APPROPRIATION ADJUSTMENT**

**(ALL DISTRICTS) (4 VOTES)**

### **SUBJECT**

This letter requests Board approval for the Public Defender to accept on behalf of the County, grant funds in the amount of \$250,000 from the U.S. Department of Justice under the Forensic Science Training Development and Delivery Program. The grant period is from October 1, 2010 through May 31, 2012 and covers fiscal years 2010-11 and 2011-12.

### **IT IS RECOMMENDED THAT YOUR BOARD:**

1. Approve and authorize the Public Defender to accept a grant award from the U.S. Department of Justice (DOJ), Office of Justice Programs (OJP) for Fiscal Years (FY) 2010-11 and 2011-12 in the amount of \$250,000 to implement the "Forensic Science Training for California Indigent Defense Attorneys – Using the NAS Report in Litigation" project.
2. Authorize the Public Defender, or his designee, to accept and sign the Grant Award and Special Conditions (Attachment 1), to serve as Project Director for the program and to execute and submit all grant documents, including but not limited to modifications, amendments, extensions, grant renewals, payment requests, and any other applicable grant documents that may be necessary for

## ADOPTED

BOARD OF SUPERVISORS  
COUNTY OF LOS ANGELES

#28 OCTOBER 19, 2010

*Sachi A. Hamai*  
SACHI A. HAMAI  
EXECUTIVE OFFICER

completion of the program that do not increase Net County Cost.

3. Approve the attached Appropriation Adjustment to augment the Department's budget in the amount of \$20,000 for FY 2010-11 to be fully offset by grant funding.

### **PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION**

The purpose of the program is to develop and deliver training to public defenders in the area of forensic evidence.

In February 2009, the National Academy of Science issued a report entitled "Strengthening Forensic Science in the United States - A Path Forward." It is clear from the report that many of the problems associated with the use and misuse of purported forensic science evidence in the courts are attributable to the lack of scientific training for judges and lawyers. Indeed the report states, "the judicial system is encumbered by, among other things, judges and lawyers who generally lack the scientific expertise necessary to comprehend and evaluate forensic evidence in an informed manner, trial judges (sitting alone) who must decide evidentiary issues without the benefit of judicial colleagues and often with little time for extensive research and reflection."

Since the issuance of the report, some criminal defense organizations including the Los Angeles County Public Defender, have developed or upgraded training programs to educate criminal defense attorneys on forensic science issues, and in particular programs aimed at teaching lawyers how to investigate and prepare challenges to forensic evidence.

The immediate goal of the Public Defender's "Forensic Science Training for California Indigent Defense Attorneys—Using the NAS Report in Litigation" project is to provide cost-free forensic science training to 335 indigent defense attorneys throughout the State of California including 100 to 150 attorneys from the Los Angeles County Public Defender and Alternate Public Defender. The ultimate goal is to ensure that forensic evidence presented in criminal proceedings is soundly grounded in science.

### **Implementation of Strategic Plan Goals**

This program is consistent with the County's Strategic Plan Goal No. 1: Operational Effectiveness – To maximize the effectiveness of the County's processes, structure, and operations to support timely delivery of customer-oriented and efficient public services; and Goal No. 5: Public Safety – To ensure that the committed efforts of the public safety partners continue to maintain and improve the safety and security of the people of the County.

### **FISCAL IMPACT/FINANCING**

The grant award of \$250,000 (\$20,000 for FY 2010-11 and the remaining \$230,000 for FY 2011-12) will fund all costs associated with the program including Public Defender staff time on the grant, equipment costs, the facility rental, audio-visual equipment and technical costs, breakfast and lunch for all participants at the venue, a CD (of materials) and DVD (of the training) for each attendee, the cost of airfare or mileage and lodging depending upon the distance the attendee must travel to attend, airfare and lodging for presenters and event coordination and administrative costs. This training program will be conducted at no cost to the County.

The attached Appropriation Adjustment in the amount of \$20,000 will be used for grant-related costs incurred during the current fiscal year.

### **FACTS AND PROVISIONS/LEGAL REQUIREMENTS**

The Public Defender has a duty to provide its indigent clients with competent and effective representation. Training, especially on complex forensic evidence issues, is critical to such representation.

The National Institute of Justice (NIJ) is the research, development, and evaluation agency of the U.S. DOJ. NIJ provides objective, independent, evidence-based knowledge and tools to enhance the administration of justice and public safety and will assist the Public Defender with oversight of this project as set out in the Special Conditions of the Grant Award. The goal of the Forensic Science Training Development and Delivery Program is to increase the number of no-cost educational opportunities for State and local practitioners, as well as to provide forensic science training to other relevant State and local criminal justice partners. The Department of Justice Appropriations Act, 2010 (Public Law 111-117) is the authorizing legislation.

Planning for the training program will occur in FY 2010-11. The proposed program will be conducted in the fall of 2011.

This Board letter and the Grant Award document have been reviewed and approved as to form by County Counsel.

Attachment 2 is the Grants Management Statement applicable to all grants over \$100,000.

### **CONTRACTING PROCESS**

All purchases and contracts for this training will be made in accordance with County purchasing and contracting policies.

### **IMPACT ON CURRENT SERVICES (OR PROJECTS)**

The proposed indigent defense training program will have a positive impact on current services as it will provide forensic science training for Public Defender and Alternate Public Defender staff at no cost to the County and will not impact workload for the County's justice departments. Additionally, the Alternate Public Defender provided a support letter for the initial grant submission.

### **CONCLUSION**

The Honorable Board of Supervisors

10/19/2010

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Upon Board approval, the Executive Officer-Clerk of the Board is requested to return two individually certified copies of the adopted Board letter and a copy of the Public Defender's Appropriation Adjustment with wet signatures to the the Public Defender's Office, 210 W. Temple Street, LA, CA 90012, Attention: Joanne Rotstein, Head Deputy Public Defender.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Michael P. Judge". The signature is written in a cursive, somewhat stylized font.

MICHAEL P. JUDGE

Public Defender

JR

Enclosures

c: Elaine Palaiologos



Department of Justice  
Office of Justice Programs

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Office of the Assistant Attorney General

Washington, D.C. 20531

September 3, 2010

Ms. Elaine Palaiologos  
Los Angeles County Public Defender's Office  
Clara Shortridge Foltz Criminal Justice Center  
210 West Temple Street, 19th Floor  
Los Angeles, CA 90012-3210

Dear Ms. Palaiologos:

On behalf of Attorney General Eric Holder, it is my pleasure to inform you that the Office of Justice Programs has approved your application for funding under the Forensic Science Training Development and Delivery Program in the amount of \$250,000 for Los Angeles County Public Defender's Office. The project title is, "Forensic Science Training for California Indigent Defense Attorneys -- Using the NAS Report in Litigation".

Enclosed you will find the Grant Award and Special Conditions documents. This award is subject to all administrative and financial requirements, including the timely submission of all financial and programmatic reports, resolution of all interim audit findings, and the maintenance of a minimum level of cash-on-hand. Should you not adhere to these requirements, you will be in violation of the terms of this agreement and the award will be subject to termination for cause or other administrative action as appropriate.

If you have questions regarding this award, please contact:

- Program Questions, Brigid O'Brien, Program Manager at (202) 305-1983; and
- Financial Questions, the Office of the Chief Financial Officer, Customer Service Center (CSC) at (800) 458-0786, or you may contact the CSC at [ask.ocfo@usdoj.gov](mailto:ask.ocfo@usdoj.gov).

Congratulations, and we look forward to working with you.

Sincerely,

A handwritten signature in black ink that reads "Laurie Robinson".

Laurie Robinson  
Assistant Attorney General

Enclosures



**Department of Justice**  
Office of Justice Programs  
Office for Civil Rights

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*Washington, D.C. 20531*

September 3, 2010

Ms. Elaine Palaiologos  
Los Angeles County Public Defender's Office  
Clara Shortridge Foltz Criminal Justice Center  
210 West Temple Street, 19th Floor  
Los Angeles, CA 90012-3210

Dear Ms. Palaiologos:

Congratulations on your recent award. In establishing financial assistance programs, Congress linked the receipt of Federal funding to compliance with Federal civil rights laws. The Office for Civil Rights (OCR), Office of Justice Programs (OJP), U.S. Department of Justice is responsible for ensuring that recipients of financial aid from OJP, its component offices and bureaus, the Office on Violence Against Women (OVW), and the Office of Community Oriented Policing Services (COPS) comply with applicable Federal civil rights statutes and regulations. We at OCR are available to help you and your organization meet the civil rights requirements that come with Justice Department funding.

**Ensuring Access to Federally Assisted Programs**

As you know, Federal laws prohibit recipients of financial assistance from discriminating on the basis of race, color, national origin, religion, sex, or disability in funded programs or activities, not only in respect to employment practices but also in the delivery of services or benefits. Federal law also prohibits funded programs or activities from discriminating on the basis of age in the delivery of services or benefits.

**Providing Services to Limited English Proficiency (LEP) Individuals**

In accordance with Department of Justice Guidance pertaining to Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d, recipients of Federal financial assistance must take reasonable steps to provide meaningful access to their programs and activities for persons with limited English proficiency (LEP). For more information on the civil rights responsibilities that recipients have in providing language services to LEP individuals, please see the website at <http://www.lep.gov>.

**Ensuring Equal Treatment for Faith-Based Organizations**

The Department of Justice has published a regulation specifically pertaining to the funding of faith-based organizations. In general, the regulation, Participation in Justice Department Programs by Religious Organizations; Providing for Equal Treatment of all Justice Department Program Participants, and known as the Equal Treatment Regulation 28 C.F.R. part 38, requires State Administering Agencies to treat these organizations the same as any other applicant or recipient. The regulation prohibits State Administering Agencies from making award or grant administration decisions on the basis of an organization's religious character or affiliation, religious name, or the religious composition of its board of directors.

The regulation also prohibits faith-based organizations from using financial assistance from the Department of Justice to fund inherently religious activities. While faith-based organizations can engage in non-funded inherently religious activities, they must be held separately from the Department of Justice funded program, and customers or beneficiaries cannot be compelled to participate in them. The Equal Treatment Regulation also makes clear that organizations participating in programs funded by the Department of Justice are not permitted to discriminate in the provision of services on the basis of a beneficiary's religion. For more information on the regulation, please see OCR's website at <http://www.ojp.usdoj.gov/ocr/etfbo.htm>.

State Administering Agencies and faith-based organizations should also note that the Safe Streets Act, as amended; the Victims of Crime Act, as amended; and the Juvenile Justice and Delinquency Prevention Act, as amended, contain prohibitions against discrimination on the basis of religion in employment. Despite these nondiscrimination provisions, the Justice Department has concluded that the Religious Freedom Restoration Act (RFRA) is reasonably construed, on a case-by-case basis, to require that its funding agencies permit faith-based organizations applying for funding under the applicable program statutes both to receive DOJ funds and to continue considering religion when hiring staff, even if the statute that authorizes the funding program generally forbids considering of religion in employment decisions by grantees.

Questions about the regulation or the application of RFRA to the statutes that prohibit discrimination in employment may be directed to this Office.

## Enforcing Civil Rights Laws

All recipients of Federal financial assistance, regardless of the particular funding source, the amount of the grant award, or the number of employees in the workforce, are subject to the prohibitions against unlawful discrimination. Accordingly, OCR investigates recipients that are the subject of discrimination complaints from both individuals and groups. In addition, based on regulatory criteria, OCR selects a number of recipients each year for compliance reviews, audits that require recipients to submit data showing that they are providing services equitably to all segments of their service population and that their employment practices meet equal employment opportunity standards.

## Complying with the Safe Streets Act or Program Requirements

In addition to these general prohibitions, an organization which is a recipient of financial assistance subject to the nondiscrimination provisions of the Omnibus Crime Control and Safe Streets Act (Safe Streets Act) of 1968, 42 U.S.C. § 3789d(c), or other Federal grant program requirements, must meet two additional requirements: (1) complying with Federal regulations pertaining to the development of an Equal Employment Opportunity Plan (EEOP), 28 C.F.R. § 42.301-.308, and (2) submitting to OCR Findings of Discrimination (see 28 C.F.R. §§ 42.205(5) or 31.202(5)).

### 1) Meeting the EEOP Requirement

In accordance with Federal regulations, Assurance No. 6 in the Standard Assurances, COPS Assurance No. 8.B, or certain Federal grant program requirements, your organization must comply with the following EEOP reporting requirements:

If your organization has received an award for \$500,000 or more and has 50 or more employees (counting both full- and part-time employees but excluding political appointees), then it has to prepare an EEOP and submit it to OCR for review **within 60 days from the date of this letter**. For assistance in developing an EEOP, please consult OCR's website at <http://www.ojp.usdoj.gov/ocr/eeop.htm>. You may also request technical assistance from an EEOP specialist at OCR by dialing (202) 616-3208.

If your organization received an award between \$25,000 and \$500,000 and has 50 or more employees, your organization still has to prepare an EEOP, but it does not have to submit the EEOP to OCR for review. Instead, your organization has to maintain the EEOP on file and make it available for review on request. In addition, your organization has to complete Section B of the Certification Form and return it to OCR. The Certification Form can be found at <http://www.ojp.usdoj.gov/ocr/eeop.htm>.

If your organization received an award for less than \$25,000; or if your organization has less than 50 employees, regardless of the amount of the award; or if your organization is a medical institution, educational institution, nonprofit organization or Indian tribe, then your organization is exempt from the EEOP requirement. However, your organization must complete Section A of the Certification Form and return it to OCR. The Certification Form can be found at <http://www.ojp.usdoj.gov/ocr/eeop.htm>.

### 2) Submitting Findings of Discrimination

In the event a Federal or State court or Federal or State administrative agency makes an adverse finding of discrimination against your organization after a due process hearing, on the ground of race, color, religion, national origin, or sex, your organization must submit a copy of the finding to OCR for review.

## Ensuring the Compliance of Subrecipients

If your organization makes subawards to other agencies, you are responsible for assuring that subrecipients also comply with all of the applicable Federal civil rights laws, including the requirements pertaining to developing and submitting an EEOP, reporting Findings of Discrimination, and providing language services to LEP persons. State agencies that make subawards must have in place standard grant assurances and review procedures to demonstrate that they are effectively monitoring the civil rights compliance of subrecipients.

If we can assist you in any way in fulfilling your civil rights responsibilities as a recipient of Federal funding, please call OCR at (202) 307-0690 or visit our website at <http://www.ojp.usdoj.gov/ocr/>.

Sincerely,



Michael L. Alston  
Director

cc: Grant Manager  
Financial Analyst



Department of Justice  
Office of Justice Programs  
National Institute of Justice

**Cooperative Agreement**

PAGE 1 OF 8

1. RECIPIENT NAME AND ADDRESS (Including Zip Code) Los Angeles County Public Defender's Office Clara Shortridge Foltz Criminal Justice Center 210 West Temple Street, 19th Floor Los Angeles, CA 90012-3210		4. AWARD NUMBER: 2010-DN-BX-K259	
		5. PROJECT PERIOD: FROM 10/01/2010 TO 05/31/2012 BUDGET PERIOD: FROM 10/01/2010 TO 05/31/2012	
1A. GRANTEE IRS/VENDOR NO. 956000962		6. AWARD DATE 09/03/2010	7. ACTION Initial
		8. SUPPLEMENT NUMBER 00	
		9. PREVIOUS AWARD AMOUNT \$ 0	
3. PROJECT TITLE Forensic Science Training for California Indigent Defense Attorneys -- Using the NAS Report in Litigation		10. AMOUNT OF THIS AWARD \$ 250,000	
		11. TOTAL AWARD \$ 250,000	
12. SPECIAL CONDITIONS THE ABOVE GRANT PROJECT IS APPROVED SUBJECT TO SUCH CONDITIONS OR LIMITATIONS AS ARE SET FORTH ON THE ATTACHED PAGE(S).			
13. STATUTORY AUTHORITY FOR GRANT This project is supported under FY10(NIJ - COPS DNA/Forensics) Pub. L. No. 111-117, 123 Stat. 3034, 3138; 28 USC 530C			
15. METHOD OF PAYMENT GPRS			
AGENCY APPROVAL		GRANTEE ACCEPTANCE	
16. TYPED NAME AND TITLE OF APPROVING OFFICIAL  Laurie Robinson Assistant Attorney General		18. TYPED NAME AND TITLE OF AUTHORIZED GRANTEE OFFICIAL  Elaine Palaiologos Administrative Deputy	
17. SIGNATURE OF APPROVING OFFICIAL  		19. SIGNATURE OF AUTHORIZED RECIPIENT OFFICIAL	19A. DATE
AGENCY USE ONLY			
20. ACCOUNTING CLASSIFICATION CODES FISCAL FUND BUD. DIV. YEAR CODE ACT. OFC. REG. SUB. POMS AMOUNT X B DN 60 00 00 250000		21. JDNSGT0311	

OJP FORM 4000/2 (REV. 5-87) PREVIOUS EDITIONS ARE OBSOLETE.

OJP FORM 4000/2 (REV. 4-88)



Department of Justice  
Office of Justice Programs  
National Institute of Justice

**AWARD CONTINUATION  
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**Cooperative Agreement**

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PROJECT NUMBER 2010-DN-BX-K259

AWARD DATE 09/03/2010

*SPECIAL CONDITIONS*

1. The recipient agrees to comply with the financial and administrative requirements set forth in the current edition of the Office of Justice Programs (OJP) Financial Guide.
2. The recipient acknowledges that failure to submit an acceptable Equal Employment Opportunity Plan (if recipient is required to submit one pursuant to 28 C.F.R. Section 42.302), that is approved by the Office for Civil Rights, is a violation of its Certified Assurances and may result in suspension or termination of funding, until such time as the recipient is in compliance.
3. The recipient agrees to comply with the organizational audit requirements of OMB Circular A-133, Audits of States, Local Governments, and Non-Profit Organizations, and further understands and agrees that funds may be withheld, or other related requirements may be imposed, if outstanding audit issues (if any) from OMB Circular A-133 audits (and any other audits of OJP grant funds) are not satisfactorily and promptly addressed, as further described in the current edition of the OJP Financial Guide, Chapter 19.
4. Recipient understands and agrees that it cannot use any federal funds, either directly or indirectly, in support of the enactment, repeal, modification or adoption of any law, regulation or policy, at any level of government, without the express prior written approval of OJP.
5. The recipient must promptly refer to the DOJ OIG any credible evidence that a principal, employee, agent, contractor, subgrantee, subcontractor, or other person has either 1) submitted a false claim for grant funds under the False Claims Act; or 2) committed a criminal or civil violation of laws pertaining to fraud, conflict of interest, bribery, gratuity, or similar misconduct involving grant funds. This condition also applies to any subrecipients. Potential fraud, waste, abuse, or misconduct should be reported to the OIG by -

mail:

Office of the Inspector General  
U.S. Department of Justice  
Investigations Division  
950 Pennsylvania Avenue, N.W.  
Room 4706  
Washington, DC 20530

e-mail: [oig.hotline@usdoj.gov](mailto:oig.hotline@usdoj.gov)

hotline: (contact information in English and Spanish): (800) 869-4499

or hotline fax: (202) 616-9881

Additional information is available from the DOJ OIG website at [www.usdoj.gov/oig](http://www.usdoj.gov/oig).

6. Recipient understands and agrees that it cannot use any federal funds, either directly or indirectly, in support of any contract or subaward to either the Association of Community Organizations for Reform Now (ACORN) or its subsidiaries, without the express prior written approval of OJP.
7. The recipient agrees to comply with any additional requirements that may be imposed during the grant performance period if the agency determines that the recipient is a high-risk grantee. Cf. 28 C.F.R. parts 66, 70.



Department of Justice  
Office of Justice Programs  
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*SPECIAL CONDITIONS*

8. Due to the substantial Federal involvement contemplated in completion of this project, the National Institute of Justice (NIJ) has elected to enter into a cooperative agreement rather than a grant. This decision is based on NIJ's ongoing responsibility to assist and coordinate projects that relate to DNA analysis and capacity enhancement, and certain other forensic activities. NIJ will provide input and re-direction to the project, as needed, in consultation with the recipient, and will actively monitor the project by methods including, but not limited to, ongoing contact with the recipient. In meeting programmatic responsibilities, NIJ and the recipient will be guided by the following principles: responsibility for the day-to-day operations of this project rests with the recipient in implementation of the recipient's approved proposal, the recipient's budget (as approved by NIJ and OJP), and the terms and conditions specified in this award. Responsibility for general oversight and redirection of the project, if necessary, rests with NIJ. In addition to its programmatic reporting requirements, the recipient agrees to provide necessary information as requested by OJP and NIJ. These information requests may include, but are not limited to, specific submissions related to: performance, including measurement of project outputs/outcomes; meeting performance specifications; developmental decision points; changes in project scope or personnel; budget modifications; and/or coordination of related projects.
9. The recipient agrees that it will submit quarterly financial status reports to OJP on-line (at <https://grants.ojp.usdoj.gov>) using the SF 425 Federal Financial Report form (available for viewing at [www.whitehouse.gov/omb/grants/standard\\_forms/ff\\_report.pdf](http://www.whitehouse.gov/omb/grants/standard_forms/ff_report.pdf)), not later than 30 days after the end of each calendar quarter. The final report shall be submitted not later than 90 days following the end of the award period.
10. The recipient shall submit a final report no later than 90 days following the close of this award period (or the expiration of any extension periods) documenting all relevant project activities during the entire period of support under this award. At a minimum, the report shall include: (1) a summary and assessment of the program carried out with the funds made available under this Fiscal Year 2010 award, and (2) with respect to funds made available under this Fiscal Year 2010 award, a description of the relevant training provided to the forensic community, the number of forensic science personnel successfully completing the developed/delivered training, and the number of forensic science personnel who felt the training was relevant to their needs. The recipient shall ensure that all data and information necessary for the report is collected throughout the award period. The report must be submitted to the Office of Justice Programs, on-line through the Internet at <https://grants.ojp.usdoj.gov/>.

With the final report, the recipient shall submit hard and electronic copies of all training materials developed under this award. For electronic-based courses (browser, computer, and video-based training), this shall include a master copy, all source codes, and supporting files and documentation.



Department of Justice  
Office of Justice Programs  
National Institute of Justice

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PROJECT NUMBER 2010-DN-BX-K259

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*SPECIAL CONDITIONS*

11. Within 45 days after the end of any conference, meeting, retreat, seminar, symposium, training activity, or similar event funded under this award, and the total cost of which exceeds \$20,000 in award funds, the recipient must provide the program manager with the following information and itemized costs:

- 1) name of event;
- 2) event dates;
- 3) location of event;
- 4) number of federal attendees;
- 5) number of non-federal attendees;
- 6) costs of event space, including rooms for break-out sessions;
- 7) costs of audio visual services;
- 8) other equipment costs (e.g., computer fees, telephone fees);
- 9) costs of printing and distribution;
- 10) costs of meals provided during the event;
- 11) costs of refreshments provided during the event;
- 12) costs of event planner;
- 13) costs of event facilitators; and
- 14) any other costs associated with the event.

The recipient must also itemize and report any of the following attendee (including participants, presenters, speakers) costs that are paid or reimbursed with cooperative agreement funds:

- 1) meals and incidental expenses (M&IE portion of per diem);
- 2) lodging;
- 3) transportation to/from event location (e.g., common carrier, Privately Owned Vehicle (POV)); and,
- 4) local transportation (e.g., rental car, POV) at event location.

Note that if any item is paid for with registration fees, or any other non-award funding, then that portion of the expense does not need to be reported.

OJP will provide further instructions regarding the submission of this data at a later time.

12. Approval of this award does not indicate approval of any consultant rate in excess of \$450 per day. A detailed justification must be submitted to and approved by the Office of Justice Programs (OJP) program office prior to obligation or expenditure of such funds.



Department of Justice  
Office of Justice Programs  
National Institute of Justice

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*SPECIAL CONDITIONS*

13. Patents and Inventions.

The clauses at 37 C.F.R. section 401.14 (together, the "Patents Rights Clause") are incorporated by reference, with the following modifications.

(1) Where italicized, the terms "contract," "contractor," and "contracting officer" are replaced, respectively, by the terms "award," "award recipient," and "OJP program manager";

(2) Patent Rights Clause paragraph (f) is modified by adding the following at the end:

"(5) The award recipient agrees to provide a report prior to the close out of the award listing all subject inventions or stating that there were none.

(6) The award recipient agrees to provide, upon request, the filing date, patent application number and title; a copy of the patent application; and patent number and issue date for any subject invention in any country in which the award recipient has applied for a patent.";

(3) Patent Rights Clause paragraph (g) is modified to read as follows:

"(g) Subawards and Subcontracts

"The award recipient will include this Patent Rights Clause, suitably modified to identify the parties, in all subawards and subcontracts, regardless of tier, for experimental, developmental, or research work. The subaward recipient or subcontractor will retain all rights provided for the award recipient in this clause, and the award recipient will not, as a part of the consideration for awarding the subaward or subcontract, obtain rights in the subaward recipient's or subcontractor's subject inventions."; and

(4) Patent Rights Clause paragraph (l) is modified to read as follows:

"(l) Communications

"Communications on matters relating to this Patent Rights Clause should be directed to the General Counsel, Office of Justice Programs, United States Department of Justice.".

With respect to any subject invention in which the award recipient, or a subaward recipient or subcontractor, retains title, the Federal government shall have a nonexclusive, nontransferable, irrevocable, paid-up license to practice or have practiced for or on behalf of the United States the subject invention throughout the world.



Department of Justice  
Office of Justice Programs  
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*SPECIAL CONDITIONS*

14. The recipient agrees to comply with all Federal, State, and local environmental laws and regulations applicable to the development and implementation of the activities to be funded under this award.

**Categorical Exclusions:** Based upon the information provided by the recipient in its application for these funds, NIJ has determined and the recipient understands that the proposed activities meet the definition of a categorical exclusion, as defined in the Department of Justice Procedures for Implementing the National Environmental Policy Act found at 28 CFR Part 61. A categorical exclusion is an action that because of the proposed activities' very limited and predictable potential environmental impacts, both on an individual and a cumulative basis, does not have a significant impact on the quality of the human environment. Consequently, no further environmental impact analysis is necessary under the requirements of the National Environmental Policy Act, 42 U.S.C. 4321, for these categorically excluded activities.

**Modifications:** Throughout the term of this award, the recipient agrees that for any activities that are the subject of this categorical exclusion, it will inform NIJ of-- (1) any change(s) that it is considering making to the previously assessed activities that may be relevant to the environmental impacts of the activities; or (2) any proposed new activities or changed circumstances that may require assessment as to environmental impact, such as new activities that involve the use of chemicals or involve construction or major renovation. The recipient will not implement a proposed change or new activity until NIJ, with the assistance of the recipient, has completed any applicable environmental impact review requirements necessitated by the proposed change or new activity (or changed circumstances) and NIJ has concurred in the proposed change or new activity. This approval will not be unreasonably withheld as long as any requested modification(s) is consistent with eligible program purposes and found acceptable under an NIJ-conducted environmental impact review process.

15. To assist in information sharing, the award recipient shall provide the NIJ program manager with a copy of all interim and final reports and proposed publications (including those prepared for conferences and other presentations) resulting from this award. Submission of such materials prior to or simultaneous with their public release aids NIJ in responding to any inquiries that may arise. Any publications (written, visual, or sound) - excluding press releases and newsletters - whether published at the recipient's or government's expense, shall contain the following statement: This project was supported by Award No. \_\_\_\_\_, awarded by the National Institute of Justice, Office of Justice Programs, U.S. Department of Justice. The opinions, findings, and conclusions or recommendations expressed in this publication/program/exhibition are those of the author(s) and do not necessarily reflect those of the Department of Justice.

NIJ defines publications as any planned, written, visual or sound material substantively based on the project, formally prepared by the award recipient for dissemination to the public.

16. Any Web site that is funded in whole or in part under this award must include the following statement on the home page, on all major entry pages (i.e., pages (exclusive of documents) whose primary purpose is to navigate the user to interior content), and on any pages from which a visitor may access or use a Web-based service, including any pages that provide results or outputs from the service:

"This Web site is funded [insert "in part," if applicable] through a grant from the [insert name of OJP component], Office of Justice Programs, U.S. Department of Justice. Neither the U.S. Department of Justice nor any of its components operate, control, are responsible for, or necessarily endorse, this Web site (including, without limitation, its content, technical infrastructure, and policies, and any services or tools provided)."

The full text of the foregoing statement must be clearly visible on the home page. On other pages, the statement may be included through a link, entitled "Notice of Federal Funding and Federal Disclaimer," to the full text of the statement.



Department of Justice  
Office of Justice Programs  
**National Institute of Justice**

**AWARD CONTINUATION  
SHEET**  
**Cooperative Agreement**

PAGE 7 OF 8

PROJECT NUMBER 2010-DN-BX-K259

AWARD DATE 09/03/2010

*SPECIAL CONDITIONS*

17. The recipient shall transmit to the NIJ program manager copies of all official award-related press releases at least ten (10) working days prior to public release. Advance notice permits time for coordination of release of information by NIJ where appropriate and to respond to press or public inquiries.
18. The Project Director and key program personnel designated in the application shall be replaced only for compelling reasons. Successors to key personnel must be approved, and such approval is contingent upon submission of appropriate information, including, but not limited to, a resume. OJP will not unreasonably withhold approval. Changes in other program personnel require only notification to OJP and submission of resumes, unless otherwise designated in the award document.
19. The recipient agrees to cooperate with any assessments, national evaluation efforts, or information or data collection requests, including, but not limited to, the provision of any information required for the assessment or evaluation of any activities within this project.
20. Pursuant to 28 C.F.R. Part 18, OJP may suspend or terminate funding under this award before the completion of the project funded by this award, for the recipient's failure to comply with these special conditions or with the project's goals, plans and methodology set forth in the approved application. In the case of suspension, the recipient will be unable to draw down funds until OJP determines that the recipient is in compliance.
21. The recipient acknowledges that the Office of Justice Programs reserves a royalty-free, non-exclusive, and irrevocable license to reproduce, publish, or otherwise use, and authorize others to use (in whole or in part, including in connection with derivative works), for Federal purposes: (1) the copyright in any work developed under an award or subaward; and (2) any rights of copyright to which a recipient or subrecipient purchases ownership with Federal support.

The recipient acknowledges that the Office of Justice Programs has the right to (1) obtain, reproduce, publish, or otherwise use the data first produced under an award or subaward; and (2) authorize others to receive, reproduce, publish, or otherwise use such data for Federal purposes. "Data" includes data as defined in Federal Acquisition Regulation (FAR) provision 52.227-14 (Rights in Data - General).

The recipient has the responsibility to obtain from subaward recipients, contractors, and subcontractors (if any) all rights and data necessary to fulfill the recipient's obligations to the Government under this award. If a proposed subaward recipient, contractor, or subcontractor refuses to accept terms affording the Government such rights, the recipient shall promptly bring such refusal to the attention of the NIJ Program Manager and not proceed with the subaward, contract, or subcontract without further authorization from NIJ.

22. The award recipient will not be permitted to draw down any funds for any research involving human subjects until (1) it has submitted adequate documentation to demonstrate that it will conduct or perform research involving human subjects in accordance with an approved Federal-wide assurance issued by HHS or a Single Project Assurance issued by OJP/NIJ, and that the research has been determined, by an appropriate IRB (or the Office of the General Counsel/OJP), to be an exempt research activity, or has been reviewed and approved by an appropriate IRB in accordance with the requirements of 28 CFR Part 46, (2) the NIJ Human Subjects Protection Officer has authorized, in writing, removal of this special condition, and (3) a Grant Adjustment Notice (GAN) has been issued removing this special condition.
23. The award recipient agrees to comply with the requirements of 28 CFR Part 46 and all other Department of Justice/Office of Justice Programs policies and procedures regarding the protection of human research subjects, including informed consent procedures and obtainment of Institutional Review Board (IRB) approval, if appropriate.



Department of Justice  
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**AWARD CONTINUATION  
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PROJECT NUMBER 2010-DN-BX-K259

AWARD DATE 09/03/2010

*SPECIAL CONDITIONS*

24. The award recipient agrees, as a condition of award approval, to comply with the requirements of 28 CFR Part 22, including the requirement to submit a properly executed Privacy Certificate that is in compliance with 28 CFR § 22.23 to the National Institute of Justice for approval.
25. The award recipient will not be permitted to draw down any funds for any research or statistical activity or project involving the collection, use, analysis, transfer, or disclosure of information identifiable to a private person until: (1) a Privacy Certificate has been submitted to and approved by the National Institute of Justice (NIJ) in accordance with the requirements of 28 CFR Part 22, (2) removal of this special condition has been authorized in writing by the NIJ Human Subjects Protection Officer, and (3) a Grant Adjustment Notice (GAN) has been issued removing this special condition.
26. The recipient may not obligate, expend or draw down funds until the Office of the Chief Financial Officer (OCFO) has approved the budget and budget narrative and a Grant Adjustment Notice (GAN) has been issued to remove this special condition.
27. Pursuant to Executive Order 13513, "Federal Leadership on Reducing Text Messaging While Driving," 74 Fed. Reg. 51225 (October 1, 2009), the Department encourages recipients and sub recipients to adopt and enforce policies banning employees from text messaging while driving any vehicle during the course of performing work funded by this grant, and to establish workplace safety policies and conduct education, awareness, and other outreach to decrease crashes caused by distracted drivers.



**Department of Justice**  
Office of Justice Programs  
*National Institute of Justice*

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Washington, D.C. 20531

**Memorandum To:** Official Grant File  
**From:** Brigid O'Brien, Program Manager  
**Subject:** Categorical Exclusion for Los Angeles County Public Defender's Office

The recipient agrees to comply with all Federal, State, and local environmental laws and regulations applicable to the development and implementation of the activities to be funded under this award.

Categorical Exclusions: Based upon the information provided by the recipient in its application for these funds, NIJ has determined and the recipient understands that the proposed activities meet the definition of a categorical exclusion, as defined in the Department of Justice Procedures for Implementing the National Environmental Policy Act found at 28 CFR Part 61. A categorical exclusion is an action that because of the proposed activities' very limited and predictable potential environmental impacts, both on an individual and a cumulative basis, does not have a significant impact on the quality of the human environment. Consequently, no further environmental impact analysis is necessary under the requirements of the National Environmental Policy Act, 42 U.S.C. 4321, for these categorically excluded activities.

Modifications: Throughout the term of this award, the recipient agrees that for any activities that are the subject of this categorical exclusion, it will inform NIJ of-- (1) any change(s) that it is considering making to the previously assessed activities that may be relevant to the environmental impacts of the activities; or (2) any proposed new activities or changed circumstances that may require assessment as to environmental impact, such as new activities that involve the use of chemicals or involve construction or major renovation. The recipient will not implement a proposed change or new activity until NIJ, with the assistance of the recipient, has completed any applicable environmental impact review requirements necessitated by the proposed change or new activity (or changed circumstances) and NIJ has concurred in the proposed change or new activity. This approval will not be unreasonably withheld as long as any requested modification(s) is consistent with eligible program purposes and found acceptable under an NIJ-conducted environmental impact review process.



Department of Justice  
Office of Justice Programs  
National Institute of Justice

**GRANT MANAGER'S MEMORANDUM, PT. I:  
PROJECT SUMMARY**

**Cooperative Agreement**

PROJECT NUMBER

2010-DN-BX-K259

PAGE 1 OF 1

This project is supported under FY10(NIJ - COPS DNA/Forensics) Pub. L. No. 111-117, 123 Stat. 3034, 3138; 28 USC 530C

1. STAFF CONTACT (Name & telephone number)

Brigid O'Brien  
(202) 305-1983

2. PROJECT DIRECTOR (Name, address & telephone number)

Joanne Rotstein  
Head Deputy/Grants Coordinator  
Clara Shortridge Foltz Criminal Justice Center  
210 West Temple Street, 19th Floor  
Los Angeles, CA 90012-3210  
(213) 974-3036

3a. TITLE OF THE PROGRAM

NIJ FY 10 Forensic Science Training Development and Delivery Program

3b. POMS CODE (SEE INSTRUCTIONS  
ON REVERSE)

4. TITLE OF PROJECT

Forensic Science Training for California Indigent Defense Attorneys -- Using the NAS Report in Litigation

5. NAME & ADDRESS OF GRANTEE

Los Angeles County Public Defender's Office  
Clara Shortridge Foltz Criminal Justice Center 210 West Temple  
Street, 19th Floor  
Los Angeles, CA 90012-3210

6. NAME & ADDRESS OF SUBGRANTEE

7. PROGRAM PERIOD

FROM: 10/01/2010 TO: 05/31/2012

8. BUDGET PERIOD

FROM: 10/01/2010 TO: 05/31/2012

9. AMOUNT OF AWARD

\$ 250,000

10. DATE OF AWARD

09/03/2010

11. SECOND YEAR'S BUDGET

12. SECOND YEAR'S BUDGET AMOUNT

13. THIRD YEAR'S BUDGET PERIOD

14. THIRD YEAR'S BUDGET AMOUNT

15. SUMMARY DESCRIPTION OF PROJECT (See instruction on reverse)

The goal of this project is to provide scientific training to attorneys in the State of California who represent indigent criminal defendants. This program will improve the delivery of indigent defense services in California, provide materials that may be used by others outside the state and create a model for training that other states may adopt or modify.

ca/nf

To download and print this document. See instructions at end of this page.  
Manual-Appendix 1

Grants

## Los Angeles County Chief Administrative Office

### Grant Management Statement for Grants \$100,000 or More

Department: Public Defender

#### Grant Project Title and Description

Forensic Science Training for California Indigent Defense Attorneys – To provide cost-free forensic science evidence training to 335 indigent defense attorneys throughout the State of California including 100 to 150 attorneys from the Los Angeles County Public Defender and Alternate Public Defender.

<b>Funding Agency</b>	<b>Program (Fed. Grant #/State Bill or Code #)</b>	<b>Grant Acceptance Deadline</b>
Department of Justice, National Institute of Justice	2010-DN-BX-K259	November 17, 2010

**Total Amount of Grant Funding: \$250,000**

**County Match: None**

**Grant Period: 10/1/10 through 5/31/12**

**Begin Date: 10/1/10**

**End Date: 5/31/12**

**Number of Personnel Hired Under This Grant: 0**

**Full Time: 0**

**Part Time: 0**

#### Obligations Imposed on the County When the Grant Expires

Will all personnel hired for this program be informed this is a grant-funded program?	Yes ___	No ___
Will all personnel hired for this program be placed on temporary ("N") items?	Yes ___	No ___
Is the County obligated to continue this program after the grant expires?	Yes ___	No <u>X</u>
If the County is not obligated to continue this program after the grant expires, the Department will:		
a.) Absorb the program cost without reducing other services	Yes ___	No <u>X</u>
b.) Identify other revenue sources (describe below)		
	Yes ___	No <u>X</u>
c.) Eliminate or reduce, as appropriate, positions/program costs funded by the grant.	Yes <u>X</u>	No ___

#### Impact of additional personnel on existing space:

No impact on existing space as project will use existing staff.

#### Other requirements not mentioned above:

This project will use existing staff to work on the project. Each staff member will maintain and complete a monthly time sheet for all work performed on the grant. Hours worked on the project will be reimbursed by the grant.

Department Head Signature

Date: 9/28/10



Instructions for Downloading, Completing and Printing Grant Management Statement

1. Click on an area of the Grants Management Statement to activate the selection of the page.
2. Click "File" on the menu bar.
3. Click "Save As."
4. Change the "Save in:" location or the filename if desired. Click "Save."
5. Go to the location where the web page was saved.
6. Right-click the web page.
7. Click "Open with."
8. Click Microsoft Word. The web page will open in Word.
9. Enter the necessary data.
10. When data entry has been completed, click "File" on the menu bar.
11. Click "Save As."
12. Change the "Save in:" location or the filename if desired.
13. Click on the down arrow next to the "Save as Type" field and click on Word document.
14. Click "Save."
15. Exit Microsoft Word.

If this doesn't work, call Diana de Noyelles in the CAO, Grant Programs Office 213-974-1327.

COUNTY OF LOS ANGELES  
**REQUEST FOR APPROPRIATION ADJUSTMENT**  
DEPARTMENT OF PUBLIC DEFENDER

DEPT'S. NO. 670  
September 30, 2010

AUDITOR-CONTROLLER:

THE FOLLOWING APPROPRIATION ADJUSTMENT IS DEEMED NECESSARY BY THIS DEPARTMENT. PLEASE CONFIRM THE ACCOUNTING ENTRIES AND AVAILABLE BALANCES AND FORWARD TO THE CHIEF EXECUTIVE OFFICER FOR HIS RECOMMENDATION OR ACTION.

ADJUSTMENT REQUESTED AND REASONS THEREFOR

**FY 2010-2011**

4 - VOTES

SOURCES

USES

PUBLIC DEFENDER  
A01-PD-90-9031-15200  
FEDERAL GRANTS - \$20,000  
  
INCREASE REVENUE

PUBLIC DEFENDER  
A01-PD-1000-15200  
SALARIES & EMPLOYEE BENEFITS - \$12,000  
INCREASE APPROPRIATION

PUBLIC DEFENDER  
A01-PD-2000-15200  
SERVICES AND SUPPLIES - \$8,000  
INCREASE APPROPRIATION

SOURCES TOTAL: \$ 20,000

USES TOTAL: \$ 20,000

JUSTIFICATION

The Department received a grant award for \$250,000 from the U.S. Department of Justice, Office of Justice Program for the forensic science training development and delivery program for period of 10/1/2010 - 5/31/2012. This BA reflects the estimated appropriation for County FY 2010-11. The balance of the grant will be budgeted in FY 2011-12.

**ADOPTED**  
BOARD OF SUPERVISORS  
COUNTY OF LOS ANGELES

*Elaine Palaiologos*  
AUTHORIZED SIGNATURE Elaine Palaiologos, Administrative Deputy

BOARD OF SUPERVISOR'S APPROVAL (AS REQUESTED/REVISED)

28 OCT 19 2010

*Sachi A. Hamai*  
SACHI A. HAMAI  
EXECUTIVE OFFICER

REFERRED TO THE CHIEF EXECUTIVE OFFICER FOR --

ACTION

RECOMMENDATION

APPROVED AS REQUESTED

APPROVED AS REVISED

AUDITOR-CONTROLLER

BY *Karon Zukerman*

CHIEF EXECUTIVE OFFICER

BY *Shah Will*

B.A. NO. 042

*Oct 1* 20 *10*

*October 4* 20 *10*